

Agenda Date: 5/23/07

Agenda Item: LSA

07 JUL 25 : 09

**STATE OF NEW JERSEY****Board of Public Utilities****Two Gateway Center****Newark, NJ 07102****www.bpu.state.nj.us****CUSTOMER ASSISTANCE**

MARK AND ANDREA NEWTON,

PETITIONERS,

v.

PUBLIC SERVICE ELECTRIC AND
GAS COMPANY,

RESPONDENT

ORDER OF EXTENSION

BPU Docket No. EC06070563U

OAL Docket No. PUC 011000-2006N

(SERVICE LIST ATTACHED)

BY THE BOARD:¹

Petitioners' request for interlocutory review of an Order by Administrative Law Judge (ALJ) Walter M. Braswell, in the above matter, was received by the Board of Public Utilities (Board) on April 4, 2007. Respondent's response was received on April 19, 2007. Pursuant to N.J.A.C. 1:14-14.4(a), the Board shall make a determination as to whether to accept the request and conduct an interlocutory review by the later of ten (10) days of its receipt of the request for interlocutory review or the Board's next regularly scheduled open meeting after expiration of the ten-day period from receipt of the request for interlocutory review. The ten-day period expired on April 14, 2007, and the next regularly scheduled meeting was May 11, 2007. On May 11, 2007, the Board ordered an extension of the time in which to conduct a complete review of the Petitioners' submission and Respondent's response and to decide whether to conduct an interlocutory review by twenty (20) days and the Director of the Office of Administrative Law therefore concurred. The Board also requested a certified copy of the sound recording of the proceeding at the OAL pursuant to N.J.A.C. 1:1-14.10(f) which has not been received.

Based on the need to review the sound recording in order to complete review of the Petitioners' submission and Respondent's response, the Board FINDS that, in accordance with N.J.A.C. 1:1-1.3(b), there is good cause to relax the procedural rules so as to extend the time in which to decide whether to conduct an interlocutory review. In order to complete review of the record in this case, the next regularly scheduled meeting at which this could be considered is July 11,


¹ Commissioner Frederick F. Butler did not participate in the consideration of this matter.


2007.² The Board requests that the Director of the Office of Administrative Law concur that there is good cause to extend the time period for the Board to determine whether to conduct an interlocutory review.


Good cause having been shown, pursuant to N.J.A.C. 1:1-1.3(b), it is HEREBY ORDERED that the time for the Board to determine whether to accept the request and conduct an interlocutory review is extended until July 11, 2007.

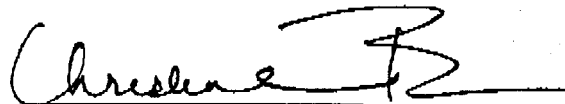
DATED: 5/25/07

BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT


CONNIE O. HUGHES
COMMISSIONER

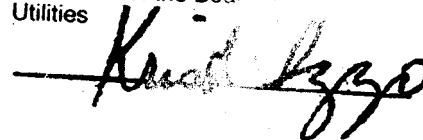

JOSEPH L. FIORDALISO
COMMISSIONER


CHRISTINE V. BATOR
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

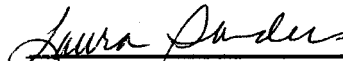
I HEREBY CERTIFY that the
document is a true copy of the original
in the files of the Board of Public
Utilities



Date Board mailed Order to OAL: 5/30/07

cc: Service List Attached

DATED: 5/30/07


LAURA SANDERS
DIRECTOR & CHIEF ADMINISTRATIVE LAW JUDGE

Date OAL mailed executed Order to Board: 5/30/07

Date Board mailed executed Order to Parties: 6/1/07

² Pursuant to N.J.A.C. 1:14-14.4(b), if the Board thereafter determines to conduct an interlocutory review, the Board's decision on the review will be due within twenty (20) days of that determination. Should the Board determine to conduct an interlocutory review, the Board notes that an additional extension of time may be required to render a disposition on any such interlocutory review.

IN THE MATTER OF NEWTON V. PUBLIC SERVICE ELECTRIC AND GAS COMPANY
BPU Docket No. EC06070563U
OAL Docket No. PUC 11000-2006N

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